

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

KEITH CLEMMONS, <i>et al.</i> ,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	CIVIL ACTION NO. H-06-0587
	§	H-07-1225
JOSEPH “BUBBA” BUTERA, <i>et al.</i> ,	§	
	§	
Defendants.	§	

**ENTRY OF DEFAULT AND DEFAULT JUDGMENT  
AND ORDER OF SEVERANCE**

The plaintiffs filed Request for Entry of Default and Motion for Default Judgment as to defendants Debbie Pam Brazier and Clayton Glenn Brazier and also filed a Motion for Severance. The record shows that the defendants, Debbie Pam Brazier and Clayton Glyn Brazier, were properly served with the plaintiffs’ original petition on January 23, 2006. The return of service was properly executed and filed in the 280th Judicial District Court of Harris County, Texas on January 31, 2006. This case was removed to the District Court for the Southern District of Texas, Houston Division, and assigned to this court on February 21, 2006. When this case was removed, the returns of service citations showing proper service on Debbie Pam Brazier and Clayton Glyn Brazier were among the papers in the court’s file.

An answer or other responsive pleading was due to be filed on behalf of Debbie Pam Brazier and Clayton Glyn Brazier on or before February 13, 2006. Debbie Pam Brazier and Clayton Glyn Brazier have failed to file an answer or other responsive pleading, as required

by Rule 12 of the Federal Rules of Civil Procedure, making entry of default against them proper.

The plaintiffs have submitted affidavits and exhibits in support of their claim for actual damages and attorneys' fees. Further notice to the defendants and further hearings are not necessary. Fed. R. Civ. P. 55(b)(2).

The plaintiffs, Keith Clemmons, Angelo Fontecilla, Clois Gunn, Kathleen Richards, James Rzemek, Charles Thompson and Kyle B. Kirkpatrick, are entitled to default judgment against Debbie Pam Brazier and Clayton Glyn Brazier, jointly and severally, in the following amounts:

- a. Keith Clemmons: Seventeen Thousand Four Hundred One Dollars and Thirty Cents (\$17,401.30);
- b. Angelo Fontecilla: Five Thousand One Hundred Seventy-six Dollars and Thirty-One Cents (\$5,176.31);
- c. Clois F. Gunn, Jr.: Twenty-Four Thousand Sixty-Three Dollars and Seven Cents (\$24,063.07);
- d. Kathleen J. Richards: Twenty-One Thousand One Hundred Fifty-Seven Dollars and Sixty-One Cents (\$21,157.61);
- e. James R. Rzemek: Thirty-One Thousand Four Hundred Four Dollars and Seventy-Nine Cents (\$31,404.79);
- f. Charles E. Thompson: Ten Thousand Twenty-One Dollars and Sixty-Nine Cents (\$10,021.69); and

- g. Kyle B. Kirkpatrick: Three Thousand Sixty-Two Dollars and Sixty-Six Cents (\$3,062.66).

It is further ordered that the plaintiffs listed above are each awarded liquidated damages under 29 U.S.C. § 216(b), as follows:

- a. Keith Clemmons: Seventeen Thousand Four Hundred One Dollars and Thirty-One Cents (\$17,401.30);
- b. Angelo Fontecilla: Five Thousand One Hundred Seventy-Six Dollars and Thirty-One Cents (\$5,176.31);
- c. Clois F. Gunn: Twenty-Four Thousand Sixty-Three Dollars and Seven Cents (\$24,063.07);
- d. Kathleen J. Richards: Twenty-One Thousand One Hundred Fifty-Seven Dollars and Sixty-One Cents (\$21,157.61);
- e. James R. Rzemek: Thirty-One Thousand Four Hundred Four Dollars and Seventy-Nine Cents (\$31,404.79);
- f. Charles E. Thompson: Ten Thousand Twenty-One Dollars and Sixty-Nine Cents (\$10,021.69); and
- g. Kyle B. Kirkpatrick: Three Thousand Sixty-Two Dollars and Sixty-Six Cents (\$3,062.66).

The plaintiffs are further awarded attorneys' fees from Debbie Pam Brazier and Clayton Glyn Brazier, jointly and severally, in the amount of Nine Thousand Four Hundred Ninety-Seven Dollars and Fifty Cents (\$9,497.50).

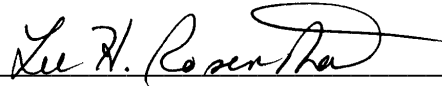
The plaintiffs are further awarded costs from Debbie Pam Brazier and Clayton Glyn Brazier, jointly and severally, in the amount of Nine Hundred Sixty-Eight Dollars and Four Cents (\$968.04).

The plaintiffs are further awarded postjudgment interest on the unpaid amounts, at the rate of 4.9% compounded annually, until this judgment is fully paid.

It is further ordered that the claims asserted by the plaintiffs against Debbie Pam Brazier and Clayton Glyn Brazier are severed from the above referenced cause and will proceed under Cause No. H-07-1225.

This is a final judgment against Debbie Pam Brazier and Clayton Glyn Brazier.

SIGNED on April 10, 2007, at Houston, Texas.

A handwritten signature in black ink, reading "Lee H. Rosenthal", is positioned above a horizontal line. The signature is cursive and fluid.

Lee H. Rosenthal  
United States District Judge